



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ENVIRONMENTAL CLEANUP

October 7, 2014

MEMORANDUM

SUBJECT: Action Memorandum for a Time-Critical Removal Action at the Kuhn's Drum Site, Kettle Falls, Stevens County, Washington

FROM: David S Rees, On-Scene Coordinator
Emergency Response Unit

THRU: Wally Moon
Unit Manager
Emergency Preparedness and Prevention Unit

TO: Administrative Record
Kuhn's Drum removal

I. Purpose

The purpose of this action memorandum is to document the decision to initiate a time-critical removal action described herein for the Kuhn's Drum Site located in Kettle Falls, Stevens County, Washington pursuant to authority under CERCLA. The scope of this removal action is limited to the removal of approximately 27 abandoned containers of various sizes and uncertain contents and potentially any contaminated soil found underneath the containers at the private property.

II. Site Information

A. Site Description

Site Name:	Kuhn's Drum Removal
Superfund Site ID (SSID):	10NJ
NRC Case Number:	none
CERCLIS Number:	WAN001001336
Site Location:	(b) (6)
	Kettle Falls, Washington 99141
County:	Stevens
Lat/Long:	Latitude: N48.92632
	Longitude: W118.16592
Potentially Responsible Party (PRP):	Bray/Talisman Mine
Access:	Signed access agreement in Site file
NPL Status:	Not listed nor proposed for listing
Removal Start Date:	Oct 2014

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B. Site Background

1. Removal Site Evaluation

A site reconnaissance/assessment was conducted by the EPA (David Rees, OSC), Washington State Department of Ecology (Jerry French), and EQM (Jerry Wade) on July 9, 2014. Twenty-seven containers were found abandoned in the out-of-doors at the David and Susan Kuhn property located at (b) (6) Kettle Falls in Stevens County, Washington. This location is in an extremely remote portion of northeast Washington State. The containers were left in a manner that is not protective and are structurally degraded, susceptible to further degradation due to weather and being in the out-of-doors.

2. Physical location and Site characteristics

The containers are located on the ground in an unsecured, non-covered area of the Kuhn property. The containers are located approximately 350 feet north and uphill from Sand Creek. The slope grade from the containers south downhill to Sand Creek is approximately 6-8%. David and Susan Kuhn (b) (6) approximately 100 feet and west from the containers of chemicals. Another individual lives in a house on the Kuhn property approximately 75 feet southeast and downhill from the containers of chemicals. The chemical containers are located approximately 30 feet south and downhill from United States Forest Service Road 100. According to the current land owner and Jerry French, Washington State Department of Ecology, the original source of the chemical containers is the Talisman Mine located in Ferry County.

3. Release or threatened release into the environment of a hazardous substance, pollutant or contaminant.

Hazardous substances as defined by section 101(14) of CERCLA, or pollutants or contaminants as defined by section 101(33) of CERCLA are known to be present at the site. The following chemicals found at the site are considered hazardous substances as defined by section 101(14) of CERCLA and 40 CFR Table 302.4:

- One 55 gallon drum marked as Ferric chloride.
- One 55 gallon drum marked as Sulphuric acid. DOT labeled as Class 8 Corrosive.
- One 55 gallon drum marked as Methanol- Drum was unloaded and set upside down on the ground. A small puncture hole was observed on the bottom of the drum which is why it was set upside down (bottom side up) to prevent leakage.
- One 30 gallon drum marked as 30% hydrogen peroxide. DOT labeled as Class 5.1 Oxidizer.
- Seven one gallon jugs marked as 30 % hydrogen peroxide. Two jugs were partially full and the rest were full. Some of the jugs were tie wrapped within original plastic bags.

The following chemical is considered a pesticide:

- Two 30 gallon drum marked as Liquichlor (hypochlorite). DOT labeled as Class 8 Corrosive.

The following are considered a pollutant or contaminant as defined in section 101(33) of CERCLA; although considered non-hazardous, they are subject to Resource Conservation and Recovery Act (RCRA) Subtitle D:

- One 30 gallon drum marked as hyperchlorate.
- Five small bottles marked as Dextrin. Marked as $C_6H_{10}O_5$ and CAS 9004-53-9.
- One small bottle marked as Tannic acid. CAS 1401-55-4.
- One small bottle marked as Magnesium dioxide.
- One small bottle marked as Nickel carbonate.

III. Threats to Public Health Welfare or the Environment

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants or Contaminants.

The containers are abandoned, left in a manner that is not protective and nearby persons who are ill equipped to respond should the need arise. Some containers are structurally degraded and susceptible to further degradation due to weather and being in the out-of-doors. Access to the containers is unrestricted and subject to potential vandalism.

B. Check applicable factors (from 40 CFR 300.415) which were considered in determining the appropriateness of a removal action:

Actual or potential exposure to nearby human populations, animals or the food chain from hazardous substances or pollutants or contaminants [300.415(b)(2)(i)].

The hazardous substances, pollutants, or contaminants found within the containers threaten nearby residents and others with direct contact exposure. Ecological receptors can become exposed to Site contaminants through direct contact with the contaminants of concern and with water and sediments contaminated by the contaminants of concern; ingestion of the contaminants of concern and water and sediments contaminated by the contaminants of concern; and through the food chain by consuming animals and plants that have accumulated Site-related contamination.

The effects of exposure to the contaminants of concern on organ systems is influenced by several factors, including dose, duration of exposure, and route of exposure, as well as the age and health of the receptor exposed.

Actual or potential contamination of drinking water supplies or sensitive ecosystems [300.415(b)(2)(ii)].

The containers sit above the aquifer the Kuhn's family well draws from.

Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that pose a threat of release [300.415(b)(2)(iii)].

The containers are stored unprotected in the out-of-doors. The structural integrity of the various containers is unknown, and one or more containers may be leaking. A known pesticide is present in one of the containers.

Weather conditions that may cause hazardous substances or pollutants to migrate or to be released [300.415(b)(2)(v)].

The containers are stored in the out-of-doors, thus they are susceptible to freeze-thaw cycles which would further degrade the structural integrity of the containers.

Threat of fire or explosion [300.415(b)(2)(vi)].

The containers contain non-compatibles which if allowed to freely combine pose a threat of fire and/or explosion.

The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(vii)].

There are no known other appropriate federal or state response mechanisms capable of providing the appropriate resources in the prompt manner needed to address the potential human health and ecological risks associated with the hazardous substances described herein.

IV. Selected Removal Action and Estimated Costs

A. Situation and Removal Activities to Date

1. Current Situation.

The abandoned containers and their contents are currently out-of-doors and thus remain susceptible to the influence of weather and/or accidental or purposeful damage.

2. Removal activities to date:

There have been no government or private activities that have been undertaken in the past or that are currently being performed that have not been previously discussed.

3. Enforcement

Enforcement action under CERCLA Section 106 or Section 107 is currently being investigated to determine the appropriate responsible party (PRP). If a viable PRP is found, the EPA shall to the extent practical, determine the best path to proceed.

B. Planned Removal Actions

1. Proposed action description

The structural integrity of all containers will be assessed to determine whether they need to be over-packed. The contents of the containers will be verified or characterized, and where appropriate, compatible materials will be consolidated. All materials will be transported off-Site for disposal in an appropriate facility. Soils beneath and in close proximity to the containers will be evaluated to determine whether they have been impacted. If necessary, contaminated soils will be excavated and will also be transported

off-Site for disposal at an appropriate facility. Any disturbed areas will be restored to their original condition to the extent practicable.

2. Contribution to remedial performance

Not Applicable. No further action, including post-removal site control activities, is required because the removal action is expected to complete the cleanup.

3. ARARs

The NCP requires that removal actions attain ARARs under federal or state environmental or facility siting laws, to the extent practicable considering the exigencies of the situation (40 C.F.R. § 300.415[j]). In determining whether compliance with ARARs is practicable, the EPA may consider the scope of the removal action and the urgency of the situation (40 C.F.R. § 300.415[j]).

Resource Conservation and Recovery Act [42 U.S.C. § 6901 *et seq*], Subtitle C - Hazardous Waste Management [40 C.F.R. Parts 260 to 279]. Federal hazardous waste regulations specify hazardous waste identification, management, and disposal requirements. However, pursuant to the Bevill Amendment, 42 U.S.C. § 6921(b)(3)(A), solid wastes from the extraction, beneficiation, and some processing of ores and minerals are excluded from Resource Conservation and Recovery Act (RCRA) Subtitle C requirements. However, certain of these requirements may be relevant and appropriate to ensure the safe management of some solid wastes, including principal threat materials (e.g., metal concentrates). RCRA Subtitle C elements that may be relevant and appropriate may include, for example, selected portions of the requirements for design and operation of a hazardous waste landfill, 40 C.F.R. Part 264, Subpart N. For the management of RCRA hazardous wastes that are not Bevill exempt, applicability of RCRA Subtitle C provisions depend on whether the wastes are managed within an Area of Contamination (AOC). 55 FR 8760 (8 March 1990). Applicable or relevant and appropriate requirements of RCRA Subtitle C (or the state equivalent) may be satisfied by off-Site disposal, consistent with the Off-Site Rule, 40 C.F.R. § 300.440. RCRA Subtitle C also provides treatment standards for debris contaminated with hazardous waste (hazardous debris), 40 CFR § 268.45, although the lead agency may determine that such debris is no longer hazardous, consistent with 40 C.F.R. § 261.3(f)(2), or equivalent state regulations. Where Washington has an authorized State hazardous waste program (RCW 70.105; Chapter 173-303 WAC), it applies in lieu of the Federal program.

Resource Conservation and Recovery Act [42 U.S.C. § 6901 *et seq*], Subtitle D - Managing Municipal and Solid Waste [40 C.F.R. Parts 257 and 258]. Subtitle D of RCRA establishes a framework for controlling the management of non-hazardous solid waste. Subtitle D is potentially applicable to solid waste generation and management at the Site.

4. Project Schedule

Fieldwork will require 1 to 2 days to complete. The removal activities are scheduled for October 2014.

C. Estimated Costs*

Contractor costs (ERRS/START staff, travel, equipment)	\$35,000
Other Extramural Costs (Strike Team, other Fed Agencies)	\$0
Contingency costs (20% of subtotal)	\$7,000
Total Removal Project Ceiling	\$42,000

*EPA direct and indirect costs, although cost recoverable, do not count toward the Removal Ceiling for this removal action. Liable parties will be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA. "

V. Expected Change in the Situation Should Action Be Delayed or Not Taken

A delay in action or no action at the Kuhn's property would increase the actual or potential threats to the public health and/or the environment.

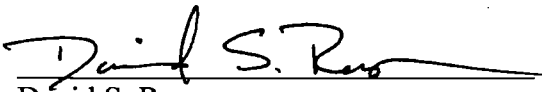
VI. Outstanding Policy Issues

None

VII. Approvals

This decision document represents the selected removal action for the Kuhn Drum Site located in Kettle Falls, Stevens County, Washington, developed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended, and is not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This decision is based on the administrative record for the Site.

Conditions at the Site meet the NCP section 300.415(b) criteria for a removal action and through this document, I am approving the proposed removal action. The total project ceiling is \$42,000, and this amount will be funded from the Regional removal allowance.


David S. Rees
Federal On-Scene Coordinator

7 Oct 2014
Date